[Pursuant to a proclamation issued by Governor Kay Ivey on March 18, 2020, elected officials are allowed to meet remotely by means of Internet video or telephone conference and the public was invited to listen to, observe, or participate in the meeting by such means. The elected officials met by way of Internet video conference and allowed the public to listen, observe and participate by the same means.]

The City Council of the City of Mountain Brook, Alabama met informally by way of Internet video conference at 5:45 p.m. on the 9th day of November, 2020. The Council President called the pre-meeting to order and the roll was called with the following results:

Present: Virginia C. Smith, Council President
         William S. Pritchard III, Council President Pro Tempore
         Gerald A. Garner
         Lloyd C. Shelton
         Alice B. Womack
         Stewart Welch III, Mayor

Absent: None

Also present were City Attorney Carl Johnson, City Manager Sam Gaston, and City Clerk Steven Boone.

1. AGENDA

1. Update on School Systems COVID-19 plans and procedures—Richard Barlow, School Superintendent

Superintendent Barlow:
- The Junior High and High School have started attending classes 4 days weekly (Monday, Tuesday, Thursday and Friday). Wednesdays remain virtual to 1) allow students that struggled earlier in the year to get more individualized instruction, 2) give teachers time to work with virtual students and 3) to allow teachers time for planning.
- The goal is resume classroom instruction 5 days weekly hopefully before Thanksgiving.
- At the elementary schools, generally students remain in their classrooms and their teachers come to them except now they are changing classes for art, music, foreign languages, etc.
- The State Department of Education developed a dashboard where schools report their statistics to the State for reporting Covid-19 statistics. The Superintendent is not confident the statistics are accurate as reporting is voluntary.

Pritchard asked whether the City could do anything further to assist the School System.

Barlow:
- Expressed gratitude for the City sharing its CARES Act allocation which will be used for pandemic-related supplies

Shelton asked about plans for the holidays.

Barlow:
• The Jefferson County Health Department is concerned that when college students return home for the break, there could be an increase in infections
• In confident that the Schools will be able to make it through final exams without incident

Smith inquired on behalf of an attendee about the “mask in motion” practice.

Barlow:
• This was the School System’s plan initially
• The policy states that whenever someone moves around the school, they should wear a mask. As long as you are in your seat, you don’t have to wear a mask
• The School System abandoned this policy due to the infection rates and State mandates

Garner:
• What statistics are used in making decisions about virtual vs. classroom instruction?

Barlow:
• It depends on the School System’s numbers
• The Schools are in constant contact with Dr. Mark Wilson
• The School System has not yet achieved the 5% infection rate—their lowest has been about 7%
• The goal has been 5%. Dr. Wilson said the Schools should start considering the mental health of students in making decisions
• To move back to a virtual instruction model, the numbers would have to worsen significantly

2. Montevallo Road/Canterbury Road pedestrian crossing study—Richard Caudle of Skipper Consultants (Appendix 1)

Richard Caudle:
• This latest study was prompted by a resident request in October 2019
• On October 12 the City authorized the study
• There is currently a high visibility crosswalk with advance warning signs
• There are just over 9,000 vehicles daily on this road. The maximum capacity for any 2-lane road is 12,000 daily.
• The 85th percentile speed is 38 mph on this 30 mph roadway
• Over a 14-hour period a video recorded the pedestrian activity which showed 92 pedestrian crossings that encountered 132 vehicles
• Of the 92 recorded crossings, 52 crossed when no cars were present, 17 vehicles had to stop for pedestrians, 42 pedestrians had to wait for vehicles to stop or pass
• There were 20 crossings after dark which is very troublesome
• The site distance of ~300 feet looking back toward Canterbury Church is good for motorists traveling 23 mph—not safe considering the travel speeds observed
• There have been numerous crashes since 2013 and one pedestrian death in 2011 that involved two joggers struck by a vehicle
• Modifications to the crosswalk likely will not result in the 17 observations where pedestrians crossed elsewhere to change their crossing patterns
• More pedestrians waited on vehicles than vehicles stopping for pedestrians
• Skipper is recommending the installation of a pedestrian-activated Rectangular Rapid Flash Beacon (RRFB) and an LED street light at this intersection. The RRFB is estimated to cost between $32,000 and $39,000
• This recommendation may result in increased rear-end accidents as pedestrians may cross upon pressing the button whereas currently they tend to wait on motorists to pass or stop
• The cost of one pedestrian death far outweighs the risk of increased collisions

Pritchard:
• Considering the last comments about the potential for increased rear-end collisions, would a flashing beacon like installed on Euclid be a better alternative?

Caudle:
• That option was the original thought a few years ago. However, it has been determined that those types of signals do not change motorists behaviors

Welch:
• Expressed concern about how visible these will be referring to the one located on Church Street

Caudle:
• The Crestline signals are 1st generation and the flashing lights are 4 inches tall and not placed in an optimal location. The one proposed at Montevallo is 2nd generation; the lights are 7 inches tall and will be better positioned relative to signal in Crestline. Additionally, there are far more distractions in Crestline than exist along Montevallo.

Regarding the budget, $20,000 was budgeted for this signal; however, another is now planned at Overbrook Road and Pine Crest Road so there is $20,000 budgeted for two signals that could ultimately cost $64,000 or more for both. Caudle clarified that he obtained a quote for the RRFB at Overbrook for $22,900.

This matter will be reconsidered at a later meeting once quotes and contracts are available.

3. Bids/quotes to install pedestrian crossing signals on Overbrook Road at Pine Crest Road—Richard Caudle of Skipper Consultants

Caudle:
• On September 21 and resident requested a review of this crosswalk
• A quote for $22,887.55 for the installation has been received from Stone and Sons Electrical Contractors
• The installation could be completed within 4-6 once the contractor is given the notice to proceed.

(Motion No. 2020-193 was added to the formal meeting agenda)

4. Paper shredding and electronics recycling and hazardous waste disposal options—Tyler Slaten with the Planning, Building and Sustainability Department (Appendix 2)

Slaten:
• Paper shredding services can be offered for by one provider for $500 for a 4-hour event or by another provider free for the first 2 hours and $450/hour thereafter. However, the later provider suggested they may be willing to waive their customary fee.
There could be additional fees for tube TV and computer monitors which could be passed onto the end users.

Hazardous waste disposal fees are based on the volume and nature of materials collected.

Jefferson County generally offers two hazardous disposal events annually and Mountain Brook could be used as a collection site possibly in 2022.

Hoover budgets $100,000 annually for hazardous waste disposal.

The elected officials expressed their desire to forego pursuing sponsoring a hazardous waste disposal event in favor of utilizing those sponsored by the Jefferson County Commission and appointed a subcommittee (Virginia Smith, Alice Womack, Tyler Slaten) to further study the electronics and paper disposal event.

5. Update on water line relocation at the Caldwell Mill Road bridge—Whit Colvin and Blair Perry of Gresham Smith (This matter was tabled for discussion until the executive session to be held Friday, November 13, 2020, at 9:30 a.m. at City Hall)

6. Review of the other matters to be considered at the formal (7 p.m.) meeting. Also added to the 7 p.m. meeting agenda were:
   a. Resolution No. 2020-191 declaring certain personal property (Public Works blowers and trimmers) surplus and authorize their sale at public Internet auction or disposal if not sold
   b. Resolution No. 2020-192 ratifying a $1.9 million transfer from the General Fund to the Capital Projects Fund (417) as of and for the year ended September 30, 2020

7. **ADJOURNMENT**

There being no further business or matters for discussion, Council President Smith adjourned the meeting at approximately 6:55 p.m.

8. **CERTIFICATION**

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, certify the above is a true and correct synopsis of the discussion from the work session of the City Council of the City of Mountain Brook, Alabama held by way of Internet videoconference on November 9, 2020, and that the meeting was duly called and held in all respects in accordance with the laws of the State of Alabama and bylaws of the City and that no formal action or votes were conducted at said work session.

City Clerk, Approved by
City Council November 23, 2020
Montevilla Road near Canterbury Road
Crosswalk Safety Study

Introduction
This report documents a study to examine safety issues related to an existing crosswalk crossing Montevilla Road immediately west of Canterbury Road in the City of Alhambra Trails. The location of the crosswalk is shown in Figure 1. The City has received requests in the past to install flashing lights at this crosswalk, most recently in October, 2019. Due to the potential cost of the solution, the request was deferred until FY 2020.

Existing Traffic Control
The existing crosswalk is a high visibility white painted crosswalk (5' side lines with 2' white bars). 2' white stop lines are painted on Montevilla Road in advance of the crosswalk. Crosswalk signage includes W11-2 Pedestrian Crossing warning signs with W16-7P Diagonal-Arrow placards. Small stop signs are placed facing the sidewalk on each end of the crosswalk.

Skiper Consulting, Inc. November 2, 2020

Existing Speed Survey
A twenty-four hour machine speed survey was performed on Montevilla Road at the crosswalk on Monday to Tuesday, October 27 to 28, 2020 by Traffic Data, LLC on behalf of Skiper Consulting, Inc. The speed survey data is included in Appendix B and is summarized as follows:

<table>
<thead>
<tr>
<th>Vehicle Count</th>
<th>Minimum Speed</th>
<th>Average Speed</th>
<th>85th Percentile Speed</th>
<th>Maximum Speed</th>
<th>10 mph Pace</th>
<th>20-29 mph</th>
<th>30 mph</th>
<th>30 mph (88%)</th>
<th>40 mph</th>
<th>45 mph</th>
<th>64 mph</th>
</tr>
</thead>
<tbody>
<tr>
<td>9,345 veh</td>
<td>5 mph</td>
<td>34 mph</td>
<td>38 mph</td>
<td>90 mph</td>
<td>20-29 mph</td>
<td>30 mph</td>
<td>30 mph</td>
<td>88%</td>
<td>40 mph</td>
<td>45 mph</td>
<td>64 mph</td>
</tr>
</tbody>
</table>

Existing Pedestrian Crossing Activity
Existing pedestrian activity at the crosswalk was recorded via video by Traffic Data, LLC on behalf of Skiper Consulting, Inc. on Tuesday, October 27, 2020 from 6:00 a.m. to 10:00 p.m. This video was reviewed to determine the level of pedestrian crossing activity and other factors related to pedestrian-vehicle interaction. The crossing activity is summarized in Table 2.

<table>
<thead>
<tr>
<th>Time</th>
<th># of Ped</th>
<th># of Vehicles</th>
<th># of pedestrian crossing with # of vehicles present</th>
<th># of vehicles which stopped for pedestrian</th>
<th># of vehicles which stopped for pedestrian but continued in current lane</th>
<th># of vehicles which continued after crossing</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 AM</td>
<td>8</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>8 AM</td>
<td>15</td>
<td>7</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>9 AM</td>
<td>19</td>
<td>10</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>10 AM</td>
<td>20</td>
<td>12</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>11 AM</td>
<td>16</td>
<td>9</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>8</td>
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<tr>
<td>12 PM</td>
<td>8</td>
<td>6</td>
<td>1</td>
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<td>5</td>
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<tr>
<td>1 PM</td>
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<td>7</td>
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<td>6</td>
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<tr>
<td>2 PM</td>
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<td>7</td>
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<td>1</td>
<td>0</td>
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<tr>
<td>3 PM</td>
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<td>7</td>
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<td>1</td>
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<td>6</td>
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<td>4 PM</td>
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<td>7</td>
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<td>1</td>
<td>0</td>
<td>6</td>
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<tr>
<td>5 PM</td>
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<td>6 PM</td>
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<td>1</td>
<td>1</td>
<td>0</td>
<td>6</td>
<td></td>
</tr>
</tbody>
</table>

Existing Traffic Count
A twenty-four hour machine traffic count was performed on Montevilla Road at the crosswalk on Monday to Tuesday, October 27 to 28, 2020 by Traffic Data, LLC on behalf of Skiper Consulting, Inc. The traffic count is included in Appendix A and is summarized in Table 1.

<table>
<thead>
<tr>
<th>Time</th>
<th>Montevilla Road</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Southbound</td>
</tr>
<tr>
<td>5:00 AM</td>
<td>406</td>
</tr>
<tr>
<td>6:00 AM</td>
<td>307</td>
</tr>
<tr>
<td>7:00 AM</td>
<td>209</td>
</tr>
<tr>
<td>8:00 AM</td>
<td>183</td>
</tr>
<tr>
<td>9:00 AM</td>
<td>217</td>
</tr>
<tr>
<td>10:00 AM</td>
<td>256</td>
</tr>
<tr>
<td>11:00 AM</td>
<td>353</td>
</tr>
<tr>
<td>12:00 PM</td>
<td>322</td>
</tr>
<tr>
<td>1:00 PM</td>
<td>330</td>
</tr>
<tr>
<td>2:00 PM</td>
<td>349</td>
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<tr>
<td>3:00 PM</td>
<td>347</td>
</tr>
<tr>
<td>4:00 PM</td>
<td>441</td>
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<tr>
<td>5:00 PM</td>
<td>377</td>
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<tr>
<td>6:00 PM</td>
<td>461</td>
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<tr>
<td>7:00 PM</td>
<td>283</td>
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<tr>
<td>8:00 PM</td>
<td>370</td>
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<tr>
<td>9:00 PM</td>
<td>375</td>
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<tr>
<td>10:00 PM</td>
<td>324</td>
</tr>
<tr>
<td>11:00 PM</td>
<td>312</td>
</tr>
</tbody>
</table>

Total 4,379 4,980 9,359

Observe of note which are not recorded in Table 2 were the number of pedestrian who cross Montevilla Road in the vicinity of the crosswalk but did not make full use of the crosswalk. Of the 92 pedestrians recorded crossing Montevilla Road:

- 30 did not use the crosswalk at all
- 3 used the crosswalk for less than half of the crossing

Observations were taken by Skiper Consulting, Inc. from each end of the crosswalk from the standpoint of crossing pedestrians. The available sight distances were then compared to the minimum required sight distances for the 85th percentile speed on Montevilla Road (38 mph) for a pedestrian to cross Montevilla Road. The available site distances are shown in Figure 2.

Figure 2. Sight Distance Measurements

The required crossing distance for a pedestrian to cross Montevilla Road is 24 feet. At a walking speed of 3-1/2 feet per second, 6.9 seconds is required to safely cross Montevilla Road. To this time is added a perception-reaction time of 1.0 seconds, which is the additional time a pedestrian needs to make a decision to cross and begin the maneuver. And also added to this time is 1.0 seconds of buffer time between the pedestrian exiting the crosswalk and the arrival of a vehicle at the crosswalk. Therefore, the total time needed to safely execute a crossing of Montevilla Road is 8.9 seconds. In 8.9 seconds, a vehicle traveling 38 mph per hour (or 56 feet per second) travels approximately 100 feet. Comparing this value to the available sight distance, it can be seen that two of the eight sight distances are inadequate for executing a safe crossing. The maximum speed of traffic for a safe crossing is approximately 15 miles per hour.

Skiper Consulting, Inc. November 2, 2020

APPENDIX I

Table 1. Existing Traffic Count

<table>
<thead>
<tr>
<th>Time</th>
<th>Montevilla Road</th>
</tr>
</thead>
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<tr>
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<td>183</td>
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<tr>
<td>9:00 AM</td>
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<tr>
<td>10:00 AM</td>
<td>256</td>
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<td>11:00 AM</td>
<td>353</td>
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<tr>
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<td>322</td>
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<tr>
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<td>312</td>
</tr>
</tbody>
</table>

Total 4,379 4,980 9,359

Skiper Consulting, Inc. November 2, 2020
The issue of sight distance can also be examined from another point of view, which is the point of view of the driver. If a driver traveling at 35 miles per hour, a pedestrian entering the crosswalk, the 2018 AASHTO Green Book says that the driver should be able to perceive the pedestrian, react to the pedestrian, and come to a complete stop within 280 feet. All the sight distances are greater than this value; however, the sight distance for a vehicle westbound on Montevallo Road approaching the crosswalk is only 20 feet greater than the design value.

Crash History
Crash reports for Montevallo Road in the vicinity of the crosswalk were provided by the Mountain Brook Police Department for the years 2013 to 2022. The following is the number of recorded crashes:

- 2013 - 2 crashes
- 2014 - 2 crashes
- 2015 - 1 crash
- 2016 - 1 crash
- 2017 - 6 crashes
- 2018 - 3 crashes
- 2019 - 5 crashes
- 2020 - 1 crash

Each crash report was reviewed to determine if it had any relevancy to the crosswalk. There were no pedestrians struck while crossing, however, there were several crashes which relate to operation of the crosswalk and could affect decisions regarding improvements. The following is a description of these crashes.

- May 6, 2014: A vehicle traveling westbound on Montevallo Road struck another vehicle in the rear which had stopped to allow a pedestrian to cross the roadway in the crosswalk. It was daylight and clear. There were no injuries/fatalities.
- February 12, 2016: A vehicle traveling westbound on Montevallo Road struck another vehicle in the rear which had stopped to allow a pedestrian to cross the roadway in the crosswalk. It was daylight and clear. There were no injuries/fatalities.
- July 30, 2017: A vehicle traveling eastbound on Montevallo Road struck a bicycle traveling eastbound on Montevallo Road. It was daylight and clear. There was one injury. Note: this crash did not occur at the crosswalk, but it is included to show the difficulty alternative modes of transportation experience on Montevallo Road.
- June 26, 2018: A vehicle traveling westbound on Montevallo Road struck two other vehicles in the rear which had stopped to allow a pedestrian to cross the roadway in the crosswalk. It was daylight and clear. There were no injuries/fatalities.
- March 12, 2020: A vehicle traveling eastbound on Montevallo Road struck another vehicle in the rear which had stopped to allow a pedestrian to cross the roadway in the crosswalk. It was daylight and cloudy. There were no injuries/fatalities.

Previous to the period of crash data records recorded above, specifically on January 31, 2011, a pedestrian fatality occurred on Montevallo Road in front of St. Peter’s Anglican Church. A vehicle struck a jogger who was running on Montevallo Road eastbound. It was nighttime and the pavement was wet.

The toolbox provides the following guidelines specifically for the crosswalk crossing Montevallo Road west of Canterbury Road:

- Enhanced visibility crosswalk marking should always be used (and they are currently in place).
- Curbs should be considered. (There are no pedestrian islands.)
- A pedestrian refuge island should be considered.
- A Rapid Rectangular Flashing Beacon (RRFB) should be considered.
- A Pedestrian Hybrid Beacon (PHB) should be considered.

It is the opinion of Skipper Consulting, Inc. that the best treatment for the crosswalk in question would be to install a pedestrian-activated Rapid Rectangular Flashing Beacon (RRFB) at this crosswalk. The photograph below shows a typical RRFB installation.

```
The estimated cost to implement the recommended RRFB system and lighting is $15,000. A detailed cost estimate is shown below.

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
<th>Material &amp; Roadway Maintenance-Rated RRFB Package, Millersville</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimate</td>
<td>$12,947</td>
<td>RRFB Package, Millersville</td>
</tr>
<tr>
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</tr>
<tr>
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<td>Package</td>
<td>2</td>
<td>RRFB Package, Millersville</td>
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<tr>
<td>Millersville</td>
<td>$1,947</td>
<td>RRFB Package, Millersville</td>
</tr>
<tr>
<td>Estimate</td>
<td>1</td>
<td>RRFB Package, Millersville</td>
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<tr>
<td>Material</td>
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<td>RRFB Package, Millersville</td>
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<tr>
<td>Description</td>
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<td>RRFB Package, Millersville</td>
</tr>
<tr>
<td>Estimated</td>
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<tr>
<td>Package</td>
<td>2</td>
<td>RRFB Package, Millersville</td>
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<tr>
<td>Millersville</td>
<td>$1,947</td>
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<tr>
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<tr>
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<td>RRFB Package, Millersville</td>
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</tr>
<tr>
<td>Millersville</td>
<td>$1,947</td>
<td>RRFB Package, Millersville</td>
</tr>
</tbody>
</table>

(continued)
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Drawing details for an RRFB assembly are provided in Appendix C.

Further, it is also recommended that one of the poles supporting the RRFB assembly be of sufficient height to allow the mounting of an LED luminaire to provide illumination for the crosswalk at night.
Safety Considerations for the RRFB

This section of the report addresses the safety benefits and risks associated with RRFB installations. Generally, it is accepted that RRFBs improve pedestrian safety. However, there may be an increase in vehicle-vehicle rear-end crashes; i.e., the crossing vehicle data taken at the crosswalk crossing Montava Road indicates that it is much more likely for the pedestrian to wait for occurring vehicles until the roadway is clear than for vehicles to yield to pedestrians. If an RRFB is installed, the question is raised if pedestrians will be less likely to wait for vehicles to pass and vehicles will be more likely to yield to pedestrians, which could lead to an increase in vehicle-vehicle rear-end crashes.

In order to address these safety issues, a study conducted by the Oregon Department of Transportation was referenced. This report studied the safety impacts of the installation of 68 RRFBs in the State of Oregon between 2009 and 2014. The results of the analysis (which are displayed in the graphs below) indicate:

- The RRFB installations caused a decrease in the overall number of pedestrian-related crashes during the study period (from 26 crashes to 6 crashes).
- The RRFB installations changed the severity of pedestrian-related crashes from fatalities and incapacitating injuries to less severe injuries.
- The number of rear-end crashes had a tendency to increase as more RRFB installations were implemented.
- The risk of rear-end crashes was lower for two and three lane roadways and higher for multi-lane roadways.
- The risk of rear-end crashes was lower for lower travel speeds (25-30 mph) and higher for higher travel speeds (35+ mph).
- The risk of rear-end crashes does not correlate to the frequency level of pedestrian crossing.

The empirical safety performance for RRFBs is as follows:

- Pedestrian crashes: 16.4% decrease (±12% deviation)
- Rear-end crashes: 7% decrease (±27% deviation)

Appendix A

Existing Machine Traffic Count
Appendix B

Existing Speed Survey

Appendix C

RRFB Construction Details
Recycling Services

In an effort to better serve our clients and promote sustainability, Mountain Brook has the opportunity to host recycling events that will provide much-needed service. These recycling days would primarily focus on paper shredding and electronics recycling. Shredded waste received in another service that should provide the public with two convenient areas for recycling materials and assist the community with their own recycling programs. The use of these services will also help reduce the amount of waste sent to landfills and increase recycling rates.

The most common scheduling period is to have the event held twice a year on the third Tuesday in March and once in summer. This date is consistent with the issuance of new vehicles and ensures that the event is held in the summer months.

Each of the events is open to the public and held in cooperation with the City of Mountain Brook. The event will be held on the third Tuesday of each month, and all residents of the city are encouraged to participate. The event will be held from 9 am to 1 pm at the city center.

Paper Shredding and Electronics Recycling

Protec Recycling

Protec Recycling offers an on-site paper shredding and electronics recycling service. They offer these services on a rotating basis. They will bring one shredding truck with two employees as well as one shredding truck with one employee. The cost of the shredding truck and employees is $1000 per hour for up to 3 hours. Additional hours will be charged at $25 per hour. We will provide the trucks with the necessary shredding equipment and labor.

United Ability/Great for Good

United Ability is a local nonprofit that offers paper shredding and electronics recycling services. They offer a similar service to ours, and we will bring their special shredding trucks on site to handle each service. They will pick up the shredding trucks and unload them at the appropriate location. Attached is some additional information from United Ability.

Recycling Events

We will host two paper shredding events per year. The events will be held on Saturdays in March and September. We will provide two shredding trucks for each event and one loading truck with a driver. The cost of the event is $2000 per event. The trucks will be on site from 9 am to 1 pm.

Purchasing Equipment

The cost of purchasing shredding equipment is estimated to be $15,000. This includes the cost of trucks, drivers, and labor. The equipment will be purchased using a grant from the City of Mountain Brook. The grant will provide enough funds to cover the cost of the shredding equipment.

Items Not Accepted

- Broken, leaking, or corroded batteries
- Items containing mercury (thermostats, thermostats)
- Light bulbs
- Paint, adhesives, caulks, sealants, or thinners
- Items too large to safely handle
- Anything that would break a pallet or cannot be loaded onto a truck and moved around a warehouse
- Flammable or combustible materials
- Liquids of any kind
- Pressurized containers
- Household refuse
- And other similar items

APPENDIX 2
Household Hazardous Waste Collection Day
7.25.20 8:00 a.m. - 11:30 a.m. or until capacity is met.

Site 1: 1205 15th Avenue North, Bessemer
Site 2: 940 Main Street, Gardendale
Site 3: 7952 Crestwood Boulevard, Irondale

Collection Items:
- Ammunition
- Batteries
- Electronics
- Household Cleaning Grease
- Motor Oil and Antifreeze
- Paint
- Paper Shredded (6) items limit, 5 boxes
- Medicines, Medications and Pharmaceuticals
- Precious Metal Scraps
- Tyres (Limit: 6 No tires)
- NYPD Guns

In-Motion Services:
- Yard Waste
- Hazardous Waste
- Cashiers

Site Services:
- Yard Waste and Household Items
- Hazardous Waste
- Recycling
- Household Items
- Recycling
- Cashiers

Jefferson County Residents Only/No Businesses Allowed
For Additional Information or Safety Guidelines Visit WWW.JCSSD.ORG

- Participants bringing items will remain in their vehicle with the windows up.

- Place items to be unloaded in the back of the vehicle, preferably the trunk, pick-up truck bed or on a utility trailer.
MINUTES OF THE REGULAR OF THE
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK
NOVEMBER 9, 2020

[Pursuant to a proclamation issued by Governor Kay Ivey on March 18, 2020, elected officials are allowed to
meet remotely by means of Internet or telephone conference and the public was invited to listen to, observe, or
participate in the meeting by such means. The elected officials met by way of Internet video conference and
allowed the public to listen, observe and participate by the same means.]

The City Council of the City of Mountain Brook, Alabama met by way of Internet video conference at
7:00 p.m. on the 9th day of November, 2020. The Council President called the meeting to order and the roll
was called with the following results:

Present: Virginia C. Smith, Council President
         William S. Pritchard III, Council President Pro Tempore
         Gerald A. Garner
         Lloyd C. Shelton
         Alice B. Womack
         Stewart Welch III, Mayor

Absent: None

Also present were City Attorney Carl Johnson, City Manager Sam Gaston, and City Clerk Steven
Boone.

The Council President stated that a quorum was present and that the meeting was open for the
transaction of business

1. RECOGNITION OF GUESTS

Council President Smith recognized Boy Scout Troop leader Jack Darnall, Boy Scouts Wade Wood,
Mark Tobar and others in attendance from Troop 63 for their Citizenship in the Community merit badge.

2. CONSENT AGENDA

Council President Smith announced that the following matters will be considered at one time on the
consent agenda provided no one in attendance objects:

Approval of the minutes of the October 26, 2020, regular meeting of the City Council

Approval of the minutes of the November 2, 2020, organizational meeting of the City Council

2020-190 Proclamation
Small Business Saturday proclamation  Exhibit 1

2020-191 Proclamation
Declare certain personal property (Public Works blowers and
trimmers) surplus and authorize their sale at public Internet
auction or disposal if not sold  Exhibit 2

2020-192 Proclamation
Ratify a $1.9 million transfer from the General Fund to the
Capital Projects Fund (417) as of and for the year ended
September 30, 2020  Exhibit 3, Appendix 1
Motion

Authorize Skipper Consulting to proceed with document preparation required to solicit bids for the installation of a pedestrian crossing signal on Overbrook Road at its intersection with Pine Crest Road

Thereupon, the foregoing minutes, proclamation (2020-190), resolutions (Nos. 2020-191 and 192) and motion (No. 2020-193) were introduced by Council President Smith and a motion for their immediate adoption made by Council member Shelton. The minutes, proclamation, resolutions and motion were then considered by the City Council. Council President Pro Tempore Pritchard seconded the motion to adopt the foregoing minutes, proclamation, resolutions and motion. Then, upon the question being put and the roll called, the vote was recorded as follows:

Ayes: Virginia C. Smith, Council President
      William S. Pritchard III, Council President Pro Tempore
      Gerald A. Garner
      Lloyd C. Shelton
      Alice B. Womack

Nays: None

Abstained: None

Council President Smith thereupon declared that said minutes, proclamation (No. 2020-190), resolutions (Nos. 2020-191 and 2020-192) and motion (No. 2020-193) were adopted by a vote of 5—0 that and as evidence thereof she signed the same.

3. CONSIDERATION OF AN ORDINANCE (NO. 2088) EXTENDING FOR ANOTHER 90-DAYS THE TEMPORARY MODIFICATION OF THE TEMPORARY RESTAURANT SIDEWALK DINING REGULATIONS FIRST IMPLEMENTED UPON THE ADOPTION OF ORDNANCE NO. 2067 ON MAY 11, 2020 AND 2073 ON AUGUST 10, 2020 (EXHIBIT 4)

The ordinance was introduced in writing by Council President Smith who then invited comments. There being no comments or questions, President Smith called for a motion. Council President Pro Tempore Pritchard made a motion that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said ordinance be suspended, and that unanimous consent to the immediate consideration of said ordinance is given and that the reading of the ordinance at length be waived. The motion was seconded by Council President Smith. Thereupon, Council President Smith called for vote with the following results:

Ayes: Virginia C. Smith
      William S. Pritchard, III
      Gerald A. Garner
      Lloyd C. Shelton
      Alice B. Womack

Nays: None

The Council President Smith declared the motion passed by a vote of 5—0.

After said ordinance had been considered in full by the Council, Council President Pro Tempore Pritchard moved for the adoption of said ordinance. The motion was seconded by Council member Womack. Thereupon, Council President Smith called for vote with the following results:
Ayes: Virginia C. Smith  
William S. Pritchard, III  
Gerald A. Garner  
Lloyd C. Shelton  
Alice B. Womack

Nays: None

The Council President Smith declared that the said ordinance (No. 2088) is hereby adopted by a vote of 5—0 and, as evidence thereof, she signed the same.

4. CONSIDERATION OF AN ORDINANCE (No. 2089) EXTENDING FOR ANOTHER 90-DAYS THE TIME RESTRICTIONS FOR THE ON-STREET PUBLIC PARKING LOCATED IN MOUNTAIN BROOK, CRESTLINE AND ENGLISH VILLAGE FIRST IMPLEMENTED UPON THE ADOPTION OF ORDINANCE NO. 2068 ON MAY 13, 2020 AND 2074 ON AUGUST 10, 2020 (EXHIBIT 5)

The ordinance was introduced in writing by Council President Smith who then invited comments. There being no comments or questions, President Smith called for a motion. Council President Pro Tempore Pritchard made a motion that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said ordinance be suspended, and that unanimous consent to the immediate consideration of said ordinance is given and that the reading of the ordinance at length be waived. The motion was seconded by Council member Shelton. Thereupon, Council President Smith called for vote with the following results:

Ayes: Virginia C. Smith  
William S. Pritchard, III  
Gerald A. Garner  
Lloyd C. Shelton  
Alice B. Womack

Nays: None

The Council President Smith declared the motion passed by a vote of 5—0.

After said ordinance had been considered in full by the Council, Council member Womack moved for the adoption of said ordinance. The motion was seconded by Council President Pro Tempore Pritchard. Thereupon, Council President Smith called for vote with the following results:

Ayes: Virginia C. Smith  
William S. Pritchard, III  
Gerald A. Garner  
Lloyd C. Shelton  
Alice B. Womack

Nays: None

The Council President Smith declared that the said ordinance (No. 2089) is hereby adopted by a vote of 5—0 and, as evidence thereof, she signed the same.

5. CONSIDERATION OF AN ORDINANCE (No. 2090) AUTHORIZING THE PLACEMENT OF TWO STOP SIGNS ON BRIAR OAK DRIVE AT IT ITS INTERSECTION WITH RIVER OAKS ROAD (EXHIBIT 6, APPENDIX 3)

The ordinance was introduced in writing by Council President Smith who then invited comments. There being no comments or questions, President Smith called for a motion. Council President Pro Tempore Pritchard made a motion that all rules and regulations which, unless suspended, would prevent the immediate
consideration and adoption of said ordinance be suspended, and that unanimous consent to the immediate consideration of said ordinance is given and that the reading of the ordinance at length be waived. The motion was seconded by Council President Smith. Thereupon, Council President Smith called for vote with the following results:

Ayes:  Virginia C. Smith  
William S. Pritchard, III  
Gerald A. Garner  
Lloyd C. Shelton  
Alice B. Womack  

Nays:  None  

The Council President Smith declared the motion passed by a vote of 5—0.

After said ordinance had been considered in full by the Council, Council President Pro Tempore Pritchard moved for the adoption of said ordinance. The motion was seconded by Council member Womack. Thereupon, Council President Smith called for vote with the following results:

Ayes:  Virginia C. Smith  
William S. Pritchard, III  
Gerald A. Garner  
Lloyd C. Shelton  
Alice B. Womack  

Nays:  None  

The Council President Smith declared that the said ordinance (No. 2090) is hereby adopted by a vote of 5—0 and, as evidence thereof, she signed the same.

6. CONSIDERATION OF AN ORDINANCE (NO. 2091) AMENDING THE CITY’S STORM WATER DETENTION REGULATIONS (EXHIBIT 7, APPENDIX 4)

The ordinance was introduced in writing by Council President Smith. Council President Pro Tempore Pritchard made a motion that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said ordinance be suspended, and that unanimous consent to the immediate consideration of said ordinance is given and that the reading of the ordinance at length be waived. The motion was seconded by Council President Smith. Thereupon, Council President Smith called for vote with the following results:

Ayes:  Virginia C. Smith  
William S. Pritchard, III  
Gerald A. Garner  
Lloyd C. Shelton  
Alice B. Womack  

Nays:  None  

The Council President Smith declared the motion passed by a vote of 5—0.

President Smith invited Glen Merchant to introduce the matter:
- Sec. 113-53 spells out the types of land disturbing activities not covered by this ordinance
- The incentive for property owners to implement these measures is a 50% abatement of the building permit fee
- Merchant estimates the permit fee to be approximately $10,000 per $1 million construction value for a permit fee
• Most green initiatives will cost $20,000
• Comments were received from numerous engineers, cities and developers.
• The slope requirement was changed from 12 percent to 15 percent based on the discussion last meeting and comments from professionals
• Walter Schoel Engineering expressed agreement with the changed slope requirement
• The extra cost will be engineering to measure pre and post development runoff
• Regarding fees, the bond will be increased from $3,000/acre to $10,000/acre on new construction only. The $3,000 bond amount was established back in the 1980s.
• The second cost change is a re-inspection fee of $500 applicable to non-compliance issues
• Most of the comments expressing opposition to the re-inspection fee seemed to indicate misinterpretations about their applicability

Womack
• Merely clearing a wooded lot will not be regulated by this amendment

Shelton
• The proposed amendment includes a 50% permit fee waiver as incentive for green development (Sec. 113-229(d))

Randy Haddock formerly Field Director with the Cahaba River Society
• Expressed support for the proposed amendments and 50% permit fee incentive

Dana Hazen, City Planner, regarding comments received from the Home Builders Association
• 12 percent slope seemed aggressive
• Agreeable with the proposed incentive
• Expressed concern about the 10% vegetative buffer. Some lots may not be able to meet this requirement.
• The phased approach will help alleviate this concern (i.e., clear in phases)
• Does not particularly like the higher bond but will not object
• The re-inspection fee seems onerous but seemed to interpret this fee to cover any re-inspection. The proposed fee is for re-inspections due to noncompliance issues.

There being no further comments or discussion and after said ordinance had been considered in full by the Council, Council President Pro Tempore Pritchard moved for the adoption of said ordinance. The motion was seconded by Council President Smith. Thereupon, Council President Smith called for vote with the following results:

Ayes: Virginia C. Smith
William S. Pritchard, III
Gerald A. Garner
Lloyd C. Shelton
Alice B. Womack

Nays: None

The Council President Smith declared that the said ordinance (No. 2091) is hereby adopted by a vote of 5—0 and, as evidence thereof, she signed the same.

7. CONSIDERATION OF AN ORDINANCE (NO. 2092) AMENDING CHAPTER 14 OF THE CITY CODE WITH RESPECT TO STORM WATER-RELATED RE-INSPECTION FEES (EXHIBIT 8)

The ordinance was introduced in writing by Council President Smith who then invited comments. There being no comments or questions, President Smith called for a motion. Council President Pro Tempore Pritchard made a motion that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said ordinance be suspended, and that unanimous consent to the immediate
consideration of said ordinance is given and that the reading of the ordinance at length be waived. The motion was seconded by Council member Shelton. Thereupon, Council President Smith called for vote with the following results:

Ayes: Virginia C. Smith  
William S. Pritchard, III  
Gerald A. Garner  
Lloyd C. Shelton  
Alice B. Womack

Nays: None

The Council President Smith declared the motion passed by a vote of 5—0.

After said ordinance had been considered in full by the Council, Council member Shelton moved for the adoption of said ordinance. The motion was seconded by Council President Pro Tempore Pritchard. Thereupon, Council President Smith called for vote with the following results:

Ayes: Virginia C. Smith  
William S. Pritchard, III  
Gerald A. Garner  
Lloyd C. Shelton  
Alice B. Womack

Nays: None

The Council President Smith declared that the said ordinance (No. 2092) is hereby adopted by a vote of 5—0 and, as evidence thereof, she signed the same.

8. ANNOUNCEMENT

The next regular meeting of the City Council is November 23, 2020, at 7:00 p.m. (means to be announced).

9. ADJOURNMENT

There being no further business or matters for discussion, Council President Smith adjourned the meeting at approximately 7:30 p.m.

10. CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, certify the above is a true and correct transcript of the regular meeting of the City Council of the City of Mountain Brook, Alabama by Internet videoconference on November 9, 2020, and that the meeting was duly called and held in all respects in accordance with the laws of the State of Alabama and bylaws of the City and that a quorum was present.

City Clerk Approved by  
City Council November 23, 2020
Whereas, the government of the City of Mountain Brook, Alabama, celebrates its local small businesses and the contributions they make to its local economy and community; according to the United States Small Business Administration, there are currently 30.7 million small businesses in the United States, they represent 99.7 percent of all businesses with paid employees in the United States, are responsible for 64.9 percent of net new jobs created from 2000 to 2018; and

Whereas, small businesses employ 47.3 percent of the employees in the private sector in the United States; and

Whereas, 94% of consumers in the United States value the contributions small businesses make in their community; and

Whereas, 96% of consumers who plan to shop on Small Business Saturday said the day inspires them to go to small, independently-owned retailers or restaurants that they have not been to before, or would not have otherwise tried; and

Whereas, 92% of companies planning promotions on Small Business Saturday said the day helps their business stand out during the busy holiday shopping season; and

Whereas, the City of Mountain Brook, Alabama supports its local businesses that create jobs, boost the local economy and preserve communities; and

Whereas, advocacy groups, public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

Now, Therefore, I, Stewart H. Welch III, Mayor of the City of Mountain Brook, Alabama do hereby proclaim, November 28, 2020, as:

"SMALL BUSINESS SATURDAY"

and urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

EXHIBIT 2

RESOLUTION NO. 2020-191

A RESOLUTION AUTHORIZING THE SALE OR DISPOSAL OF CERTAIN SURPLUS PROPERTY

WHEREAS, the City of Mountain Brook, Alabama, has certain items of personal property which are no longer needed for public or municipal purposes; and

WHEREAS, Section 11-43-56 of the Alabama Code of 1975 authorizes the municipal governing body to dispose of unneeded personal property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain Brook, as follows:
Section 1. It is hereby established and declared that the following property owned by the City of Mountain Brook, Alabama is not needed for public or municipal purposes and is hereby declared surplus property:

- Husqvarna 372XP Chainsaw
- Husqvarna 450 Chainsaw
- Husqvarna 575XP Chainsaw
- Stihl FS 131 Weedeater
- Stihl FS 240R Weedeater
- Stihl FS 130 Weedeater
- Stihl FS131 R Weedeater
- Stihl BR 450 Blower
- Stihl HS 81T Trimmer
- Husqvarna 450 Chainsaw
- Stihl FS 240R Weedeater
- Stihl FS 131 Weedeater
- Stihl FS 131 Weedeater
- Stihl HL 94
- Stihl FS 131 Weedeater
- Stihl FS 131 Weedeater
- Husqvarna 353 Chainsaw
- Husqvarna 450 Chainsaw
- Stihl FS240R Weedeater
- Stihl HL 94 Trimmer
- Stihl FS131 Weedeater
- Stihl HS100 Pole Trimmer
- Stihl FS131 Weedeater
- Stihl LS 131 Weedeater
- Stihl HL 100

Section 2. That the City Manager, or his designated representative, is hereby authorized and directed to sell said property by way of public Internet auction or to dispose of said items not sold.

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**EXHIBIT 3**

**RESOLUTION NO. 2020-192**

BE IT RESOLVED by the City Council of the City of Mountain Brook that the City Council hereby ratifies and approves the transfer of funds as follows for the year October 1, 2019 through September 30, 2020:

<table>
<thead>
<tr>
<th>Ledger Number</th>
<th>Ledger Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>100-1001-0000</td>
<td>Cash-General Fund</td>
<td>1,900,000.00 CR</td>
</tr>
<tr>
<td>100-1116-6917</td>
<td>Transfers-Capital (Bridges and other infrastructure)</td>
<td>1,900,000.00 DR</td>
</tr>
<tr>
<td>417-1001-0000</td>
<td>Cash-Capital</td>
<td>1,900,000.00 DR</td>
</tr>
<tr>
<td>417-3408-4810</td>
<td>Transfers-General Fund</td>
<td>1,900,000.00 CR</td>
</tr>
</tbody>
</table>

Transfer a portion of the 2020 General Operations surplus to Capital Projects (Fund 417) for future infrastructure and sidewalk projects.

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**EXHIBIT 4**

**ORDINANCE NO. 2088**

**90-DAY EXTENSION OF THE TEMPORARY MODIFICATION OF RESTAURANT SIDEWALK DINING REGULATIONS**

WHEREAS, many small businesses and have suffered financially due to the business disruptions caused by government and business restrictions imposed to curtail the spread of the COVID-19 virus; and

WHEREAS, restaurants are among those small businesses facing economic challenges as those restrictions required them to cease on-premises dining; and

WHEREAS, the State of Alabama has now passed new guidelines which will permit restaurants to resume on-premises dining, albeit with appropriate safeguards; and
WHEREAS, the City, its small business community, restaurants and residents understand the importance of keeping appropriate safeguards in place so as maintain the progress that has been achieved through social distancing; and

WHEREAS, the City understands that continued productivity and economic activities are necessary to the welfare of business owners, employees, families and the entire Mountain Brook community and is committed to protecting both the economic health of its business owners and the health of the community; and

WHEREAS, one of the ways that the City believes on-premise dining can be made safer and compliant with State Health requirements is by use of outdoor dining areas, including those on sidewalks in front of dining establishments; and

WHEREAS, the City has detailed regulations and standards in place concerning the use of public sidewalks for dining operations and those regulations are designed to protect the character of the City’s historic villages; and

WHEREAS, during these unprecedented times, the City finds that temporary modification of some of those standards and regulations to be appropriate and necessary to permit business operations and the economic vitality of the community to continue, as well as to protect the health and safety of patrons.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, pursuant to relevant provisions of the Emergency Management Agency Act of 1955, as amended, Governor Kay Ivey’s State of Emergency Proclamations and the Alabama State Health Officer’s Orders as follows:

1. For a period of time beginning on the date of passage of this Ordinance and ending 90 days thereafter (the “Restaurant Relief Period”), Section 46-6 of the City Code containing Sidewalk Café Regulations shall be temporarily modified so as to facilitate and expedite the ability of restaurants to utilize sidewalks for dining operations. Such modifications are as follows:

   a) Village Design Review Committee review and approval provided for in Section 46-6 (b)(2) & (3) shall not be required.

   b) City Council review and approval required by Section 46-6 (b)(4) shall not be required; provided, however, that city clerk shall not issue a Sidewalk Café Permit until such time as the owners of both the restaurant and the property have executed the City’s Hold Harmless & Release Agreement in the form attached hereto.

   c) New sidewalk cafés permitted pursuant to these temporary modifications and expansion of existing sidewalk cafes shall also be subject to the following in lieu of those regulations found in Sections 46-6 (c)(1) & (2):

      a. Limitations on the area permitted to be used by a sidewalk café during the Restaurant Relief Period shall be temporarily modified so as to allow the area to be expanded beyond the area directly in front of the building in which the restaurant is located, as may be approved by the City Clerk, provided that sufficient clearance for pedestrian passage is maintained pursuant to ADA requirements.

      b. Operation of outdoor areas approved under these temporary standards shall be restricted to evening hours from 5:00 p.m. until close of business.

      c. Tables and chairs shall be removed from the sidewalk and stored during the hours in which operation is not permitted.

   d) Sidewalk cafes approved prior to the passage of these modification and under the
existing Code provisions shall be permitted to continue to operate pursuant to and within the scope of the City Council approval for such café.

2. All other provisions of City Code Section 46-6 that are not specifically modified hereby shall remain in full force and effect.

3. The Administrative Processing Fee imposed pursuant to Section 46-6(b)(1) is hereby waived for all applications submitted pursuant to this Ordinance.

4. **Repealer.** All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Mountain Brook, Alabama, that are inconsistent with the provisions of this ordinance are hereby expressly repealed.

5. **Severability.** If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

6. **Effective Date.** This ordinance shall become effective immediately upon adoption and publication as provided by law. The provisions of this ordinance shall expire ninety (90) days from the date of passage unless otherwise extended or made permanent by the City Council.

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**EXHIBIT 5**

**ORDINANCE NO. 2089**

**AN ORDINANCE EXTENDING FOR 90-DAYS THE TIME RESTRICTIONS FOR THE ON-STREET PUBLIC PARKING LOCATED IN MOUNTAIN BROOK, CRESTLINE AND ENGLISH VILLAGES FIRST IMPLEMENTED UPON THE ADOPTION OF ORDINANCE 2068 ON MAY 13, 2020 AND 2074 ON AUGUST 10, 2020**

**WHEREAS,** the City of Mountain Brook has been operating under a State of Emergency issued by the Governor of the State of Alabama and the City of Mountain Brook due to the COVID-19 pandemic; and

**WHEREAS,** COVID-19 is a highly contagious communicable disease spread by contact between people and activities of residents and patrons of City businesses have been restricted so as to minimize such contact through “social distancing”; and

**WHEREAS,** while COVID-19 impacts people of all ages, from children to the elderly, the greatest impact, in terms of severity, has been to the elderly and those with underlying medical conditions; and

**WHEREAS,** on this date, by order of the Governor and State Health Officials, the restrictions that were in place are being eased to permit the operation of most commercial establishments, including restaurants which, prior to today, had been restricted to “take out only” operation; and

**WHEREAS,** while most establishments may resume operation under careful social distancing guidelines, contactless commercial transactions remain the safest and most effective way to effectuate the social distancing, which is still believed to be necessary to manage the spread of COVID-19; and

**WHEREAS,** most of the City’s commercial enterprises in its historic villages are without dedicated private parking and rely on shared public parking to support operations; and

**WHEREAS,** in order to facilitate the use of “take out” services for restaurants and contactless “pick up” of other commercial goods, the City wishes to provide a parking zone on each block in Mountain Brook Village and Crestline Village for contactless delivery of services so those who want to utilize the services of commercial operations in those areas but want to maintain social distancing through contactless delivery will have a place to do so; and
WHEREAS, the City understands that continued productivity and economic activities are necessary to the welfare of business owners, employees, families and the entire Mountain Brook community and is committed to the economic health of its business owners and the health of the community; and

WHEREAS, during these unprecedented times, the City finds that temporary identification of “take out parking” and regulation of the use of spaces in those areas to be appropriate and necessary to allow the economic vitality of the community to continue, as well as to protect the health and safety of patrons.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, as follows:

Section 1. The parking spaces located on the following streets and identified as “Take Out Zones” on the attached parking maps shall be designated as “Take Out Only” and shall be used only for the delivery of food or other commercial goods directly to the automobiles parked therein:

CHURCH STREET    CAHABA ROAD
OAK STREET       MONTEVALLO ROAD
CULVER ROAD      PETTICOAT LANE
CANTERBURY ROAD

Section 2. Vehicles parked in any “Take Out Zone” must be occupied and the occupants thereof must be waiting on the delivery of commercial services. Vehicles that are unoccupied or are parked in such areas for any other reason shall be in violation of this ordinance.

Section 3. Any person violating the provisions of Section 1 or 2 of this ordinance shall, upon conviction thereof, be punished within the limits and as provided by Section 50-107 of the Code of the City of Mountain Brook.

Section 4. Repealer. All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Mountain Brook, Alabama, that are inconsistent with the provisions of this ordinance are hereby expressly repealed.

Section 5. Severability. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

Section 5. Effective Date. This ordinance shall become effective immediately upon adoption and publication as provided by law. The provisions of this ordinance shall expire ninety (90) days from the date of passage unless otherwise extended or made permanent by the City Council.

EXHIBIT 6

ORDINANCE NO. 2090

AN ORDINANCE TO PROVIDE FOR STOP SIGNS (2) ON BRIAR OAK DRIVE
AT ITS INTERSECTION WITH RIVER OAKS ROAD
AND TO PROVIDE FOR PUNISHMENT THEREOF

BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, as follows:

Section 1. It shall be unlawful for the driver of any vehicle to cause or allow such vehicle traveling along Briar Oak Drive to enter its intersection with River Oaks Road when there is standing at such intersection a “Stop” sign facing in the direction of such driver without having first brought such vehicle to a complete stop within ten (10) feet of said intersection.
Section 2. Any person violating the provisions of this ordinance shall be punished by a fine not to exceed $500.00, or by imprisonment not to exceed 180 days, or both.

Section 3. All ordinances or portions of ordinances conflicting with this ordinance are hereby repealed.

Section 4. This ordinance shall become effective when published as required by law.

APPENDIX 3

EXHIBIT 7

ORDINANCE NO. 2091

AN ORDINANCE AMENDING ARTICLE III OF THE CITY CODE TO REDUCE ADVERSE STORMWATER IMPACTS IN THE CITY OF MOUNTAIN BROOK

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City as follows:

Section 1. Section 113-224 of the City Code is hereby amended as follows:

"Sec. 113-224. - Scope of the article and definitions.

(c) Definitions:

(1) Maximum Building Area – The largest portion of the lot or parcel that can be occupied by the main building, including porches, carports, accessory buildings, and other structures as permitted for the use in question by the zoning ordinance.

(2) Maximum Impervious Area – The maximum building area permitted for the use in question by the zoning ordinance, plus an additional five percent of the parcel on which the project is to be constructed. The term "impervious area" means the developed area of the lot, including house and accessory structures, as well as surfaces that do not allow the free passage of water through the material into the ground. The term "impervious area" includes sidewalks, driveways, parking areas, decks, and patios, unless such surfaces are constructed of materials that allow passage of water into the ground at a rate equal to the predeveloped condition."

Section 2. Section 113-226 of the City Code is hereby amended as follows:

"Sec. 113-226. - General stormwater detention and design objectives and criteria.

(b) The goal of stormwater management design shall be to mimic the pre-development hydrology of the site. Post-development stormwater peak flows for two-year through 100-year, 24-hour storms shall be less than or equal to pre-development values. The engineering analysis shall assume that land is fully developed in accordance with the city's comprehensive land use plan. Engineering data supporting differential runoff and detention volume calculations, as well as the adequacy of detention, discharge, and control structures, shall be submitted to the city for review. A description of the method to be used in maintaining components of the stormwater management system shall also be submitted."

Section 3. Section 113-227 of the City Code is hereby amended as follows:

"Sec. 113-227. - Sec. 113-227. - Detention facilities.

j. Verification that the site runoff will not contribute to erosion and scour of downstream receiving channel for the 2-year, 24-hour storm event. This includes a detailed description of erosion prevention measures,
such as energy dissipation and velocity control devices to be implemented and velocity calculations at each site outfall for the 2-year, 24-hour design storm.”

Section 4. Section 113-228 of the City Code is hereby amended as follows:

"Sec. 113-228. - Requirements applicable to particular types of development and detention methods.

(e) Single lot development. Development of single lots shall be in accord with applicable provisions of the zoning ordinance, provided that the maximum impervious area shall be limited to the maximum building area permitted for the use in question by the zoning ordinance, plus an additional five percent of the parcel on which the project is to be constructed. For purposes of this article, the term "impervious area" means the developed area of the lot, including house and appurtenant structures, as well as surfaces that do not allow the free passage of water through the material into the ground. The term "impervious area" shall include, without limitation, sidewalks, driveways, parking areas, decks, and patios, unless such surfaces are constructed of materials that allow passage of water into the ground at a rate equal to the predeveloped condition. The percentage of building and impervious areas shall not exceed that allowed by this article unless an approved method of stormwater detention or low impact development (LID)/green infrastructure (GI) practices are used to mitigate increases in stormwater runoff. If stormwater detention is used, the design shall comply with the minimum requirements set forth in this article. The LID or GI measure design shall comply with the design standards in the “Low Impact Development Handbook for the State of Alabama”, Alabama Department of Environmental Management et al. and comply with the minimum requirements set forth in this ordinance. Design of LID or GI measures shall be performed by a registered architect, landscape architect, or engineer, and shall include plans, details, and calculations demonstrating compliance with the requirements of this article. Developments on steep lots (slopes 12% or greater in the development or re-development area) are required to provide a stormwater management design to mitigate the increased stormwater runoff. The design shall be supported by a written engineering analysis verifying the adequacy of the stormwater management design for the property. The design shall comply with the minimum requirements set forth in this ordinance. In addition, the stormwater management design shall ensure that the site runoff will not contribute to erosion and scour of the downstream receiving water for the 2-year, 24-hour storm event. For existing properties that exceed the maximum impervious area (maximum building area plus an additional five (5) percent of the parcel area), making improvements to the property that would further increase the impervious area, excluding minor alterations, will require a stormwater management design to mitigate the increased stormwater runoff. The maximum building area plus an additional five (5) percent of the parcel area in accordance with the zoning ordinance will be the basis for quantifying the stormwater runoff to mitigate in the design. The design shall be supported by a written engineering analysis verifying the adequacy of the stormwater management design for the property. The design shall comply with the minimum requirements set forth in this ordinance. Any new development or re-development shall submit to the city a phased site development plan with a vegetated buffer or Engineered surfaces equal to (10%) or greater of the disturbed area. The vegetated buffer or surface shall prevent soil erosion and filter surface run off prior to leaving the site. The vegetated buffer is to be located, where practical, outside of the perimeter of erosion and sediment control best management practices for the site. The turbidity of the site stormwater discharges shall not cause or contribute to a substantial visible contrast with the natural appearance of the receiving water.

Section 5. Section 113-229 of the City Code is hereby amended as follows:

"Sec. 113-229. - Application and appeal process.

(c) Pre-design conference.

(1) The applicant and the consulting engineer are required to contact the city for a pre-design conference at the conceptual stage of a project in order to clarify the application of this article to the development, address any questions, and minimize cost, delay, and inconvenience to the developer.

(d) Review fees. Each application for a stormwater detention permit shall include a nonrefundable fee as set forth in chapter 14. Should the actual, reasonable cost to the city for engineering or other technical review of the application exceed the amount set forth in chapter 14, the additional cost shall be paid by the applicant prior to issuance of the detention permit. Any site with a stormwater management design
that utilizes LID/GIPs to capture and manage the runoff from ninety five (95) percent or greater of the proposed impervious area will receive a reduced permit fee allowance of fifty (50) percent. The stormwater management design must still comply with the minimum requirements set forth in this ordinance.

Section 6. This ordinance is cumulative in nature and is in addition to any power and authority which the City of Mountain Brook may have under any other ordinance or law.

Section 7. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect, notwithstanding such holding.

Section 8. This ordinance shall become effective immediately upon adoption and publication as approved by law.

APPENDIX 4

EXHIBIT 8

ORDINANCE NO. 2092

AN ORDINANCE AMENDING THE CITY CODE ARTICLE II - SOIL EROSION AND SEDIMENTATION CONTROL, BONDS AND LETTER OF CREDIT AND CHAPTER 14 - FEES, WITH REGARD TO ADVERSE STORMWATER IMPACTS IN THE CITY OF MOUNTAIN BROOK

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City as follows:

Section 1. Section 113-119 of the City Code is hereby amended as follows:

"Sec. 113-119. - City to determine type of security; additional specific provisions.

Each control plan must be accompanied by a letter of credit, a surety bond or a cash bond, with the city having the right to determine which type of security shall be furnished. A letter of credit, a surety bond or a cash bond (a letter of credit, a surety bond and a cash bond shall be herein collectively referred to as "security") shall be furnished to the city in accordance with the following provisions:

(1) The official shall require a letter of credit, a surety bond or a cash bond in such amount as specified herein to ensure that the work, if not completed or if not performed in accordance with the permit issued under the provisions of this division, will be corrected to eliminate hazards or nuisances or completed in accordance with such permit. In lieu of a letter of credit or a surety bond required by the city, the owner may file a cash bond with the city in an amount equal to that which would be required in the letter of credit or the surety bond.

(2) The security shall contain, or have attached to it as an exhibit, a legal description of the site. The security shall remain in effect until it has been released, in writing, by the official, in accordance with the provisions of section 113-120. Security with a specific expiration date shall not be acceptable.

(3) The security for clearing operations only shall be in the amount of $1,000.00 per acre for each acre, or fraction of an acre, disturbed or affected by such operations.

(4) The security for earthwork or clearing and earthwork operations shall be in the amount of $3,000.00 to $10,000.00 per acre for each acre, or fraction of an acre, disturbed or affected by such operations.

(5) Security equal to double the amounts required in subsections (3) and (4) of this section, shall be required where clearing or earthwork is performed in areas designated as floodways, floodplains or areas susceptible to landslides.

(6) Each letter of credit must be issued by a bank that has its principal office in the county and which is satisfactory to the city.
(7) Each surety bond must be issued by a surety company that is qualified to do business in the state and which is satisfactory to the city.”

Section 2. Chapter 14 of the City Code is hereby amended as follows:

“Chapter 14 - Fees.

The fees to be paid to the city for the service, license or permit indicated shall be as follows. The presence of a fee in this section without a requirement elsewhere in this Code that the fee be paid shall be construed as a requirement that the fee be paid.

<table>
<thead>
<tr>
<th>Section of Code</th>
<th>Description</th>
<th>Fee (in dollars)</th>
</tr>
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<tbody>
<tr>
<td>109-2(l)</td>
<td>Reinspection fee(s)</td>
<td>100.</td>
</tr>
<tr>
<td></td>
<td>2nd failure/visit</td>
<td>200.</td>
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<td></td>
<td>3rd or other-see suspended or revocation</td>
<td>500.</td>
</tr>
</tbody>
</table>

Section 3. This ordinance is cumulative in nature and is in addition to any power and authority which the City of Mountain Brook may have under any other ordinance or law.

Section 4. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect, notwithstanding such holding.

Section 5. This ordinance shall become effective immediately upon adoption and publication as approved by law.
Year end transfer recommendation

1 message

Steve Boone <bboones@minbrook.org>    Fri, Nov 6, 2020 at 12:47 PM
To: Alice Womack <alicewomack14@gmail.com>, Gerald Garner <geraldgarner@gmail.com>, Lloyd Shelton <ls@lrdnda.com>, "Stewart Welch, III" <ratewar@weltonproup.com>, "Virginia G. Smith" <wood677@icloud.com>, Virginia Smith <virginiasmith31161@gmail.com>, "William S. (Billy) Pritchard III" <billyp@pm.com>, Sam Gaston <gaston@minbrook.org>

As of today, the City’s 2020 General Fund stands at a surplus of $2.3 million. All that is needed to maintain a fund balance equal to 6 months of expenses is $400,000.

I recommend and request approval to transfer $1.9 million from the GF to Capital (Fund 417-Infrastructure) leaving the General Fund entirely with a $400,000 surplus.

Still remaining to be adjusted are:
1. receivables (taxes collected after year end approval to 2020 and reversal of last year’s accrual). I think these adjustments will not to close to zero.
2. State Bank Excess tax accrual-$104,542
3. expenses for 2020 for invoices still coming in (I cannot estimate the amount)
4. work comp loss reserve (waiving on the actuary to provide the liability amount)
5. CARES Act monies from Jeff Co. if everything is approved as submitted, we will be accruing $875,205 in receivables of which will owe the ROE $167,567. This accrual will bring the GF surplus up to $1.2 million and more than 6 months in reserve on 06/30/2020.

If everything billed for the CARES Act is approved, the City will have collect $760,000. Of the $760,000, $185,000 represents reimbursement for unbudgeted expenses that generally would not have been incurred were it not for the pandemic and $580,000 is for budgeted labor costs. I suspect the City will have to make a supplemental/COVID-19 payroll of approximately $250,000 to $300,000 to appease the police and fire employees leaving a net windfall of $280,000 to $330,000. The CARES Act revenue will be reported in 2020 and the supplemental payroll, if approved, will be expensed in 2021.

If you all agree with the $1.9 million transfer, I will have a resolution ready to add to the agenda on Monday.

Steven Boone
City of Mountain Brook
P. O. Box 13065
Mountain Brook, AL 35213-1009
Direct: (205) 892-3825
Facsimile: (205) 874-8611
www.minbrook.org
http://minbrookcity.blogs.com
Twitter: @mountain_brook

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APPENDIX 1
November 9, 2020

City of Mountain Brook
C/O Skipper Consulting

RE: RRFB Overbrook Rd

Attn: Richard Caudle

Richard,

Our price for the RRFB for Overbrook based on your drawing dated 10/26/2020 will be $22,887.55

Best Regards,

J. Mark Roupe
Project Manager
October 28, 2020

Dear Resident,

The City of Mountain Brook will consider an ordinance making the intersection of Briar Oak Drive and River Oaks Road a 3-way stop at its November 9, 2020 meeting. This meeting will begin at 7:00 p.m. (See attached map.)

Due to the COVID-19 pandemic, City Council meetings are being held by Zoom. Please check our website on Friday afternoon, November 6th for information on how to access this meeting if you have any comments about the proposed 3-way stop at Briar Oak Drive and River Oaks Road. (www.mtnbrook.org > Government > Agendas & Minutes, scroll down to 11/09/20 – Agenda packet)

If you cannot participate in the Zoom Council meeting on Monday, November 9th, but would like to submit comments, please feel free to contact me at (205) 382-3803 or gaston@mtnbrook.org.

Sincerely,

Sam S. Gaston
City Manager

October 15, 2020

Dear Resident,

The City of Mountain Brook commissioned a traffic study of the Briar Oak Drive area. One item of discussion, on some of the traffic calming measures to be implemented in this area, is to make the intersection of Briar Oak Drive and River Oaks Road a 3-way stop. Stop signs would be placed on both sides of Briar Oak Drive at its intersection with River Oaks Road. (See attached map.)

The Mountain Brook City Council would like your opinion on this proposed 3-way stop. This topic will be discussed on the City Council’s pre-meeting before the formal meeting on Monday, October 26th. The pre-meeting agenda time is not set until the Friday before the meeting. Due to the COVID-19 pandemic, City Council pre-meetings and meetings are held by Zoom. Please check our website on Friday afternoon, October 23rd for information on the time and how to access the pre-meeting if you have any comments about this proposed 3-way stop. (www.mtnbrook.org > Government > Agendas & Minutes, scroll down to 10/26/20 pre-meeting agenda packet)

If you cannot participate in the Zoom pre-meeting of the City Council on October 26th, but would like to offer comments, please feel free to contact me at (205) 382-3803 or gaston@mtnbrook.org.

Sincerely,

Sam S. Gaston
City Manager
STORMWATER ORDNANCE AMENDMENT

Recent Background
On October 28, 2019, the city council carried over the proposed amendment to the stormwater ordinance for two reasons: 1) direct staff to send the proposed changes to the Homebuilder's Association and other engineering professionals for their input, and 2) confirm whether or not the proposed ordinance changes would be applicable to land disturbance customarily incident to homeowner upkeep of the landscape of residential properties (not associated with any building permit or construction).

Notification of Design Professionals
The list of professionals notified of changes and asked for input is as follows:
- Homebuilders:
- rainwater management design that utilizes LID/GROPS to capture and manage the runoff from forty (40)% of the proposed impervious area would receive no fee permit issuance as approved by the City Council. The stormwater management design must still comply with the minimum requirements as set forth in this ordinance.

The idea here is that the building permit fee would either be waived at permit issuance, or partially (or wholly) refunded at project completion, as an incentive for developers/homewoners to go above and beyond the mitigation measures required by the stormwater ordinance.

While the ad hoc committee was satisfied with this recommendation, some members were of the opinion that a no-fee permit might be too ambitious, but that a partial allowance (50%) may be palatable. The proposed changes to Section 119-213(6) of the stormwater ordinance include a 50% allowance.

Previous Attachments
1. Draft ordinance, in which you will find the recommended language in actual ordinance form. The draft ordinance does not contain the entire stormwater ordinance (as it would be too lengthy), but contains sections of the pertinent sections to be amended.
2. Draft ordinance amendment pertaining to Chapter 14 (Fees Schedule) and Article II (Soil Erosion and Sedimentation Control Bonds).
3. Except of map of steep slopes within the City of Mountain Brook

Background
This fall in 2020 the southeast region of the U.S. has experienced rainfall in the range of "much above average" to "record precipitation." As a result, the city of Mountain Brook has experienced numerous challenges with regard to stormwater mitigation. In spite of COVID-19, construction in the city has maintained a steady pace, with an average of forty (40) active construction sites (involving land disturbance) at present. Additionally impactful is the fact that, over time, the natural progression of site development in the city is such that the time that is required to develop is much longer than those that are more difficult to develop (often due to steep topography) and the sites are still "up for grabs." With Mountain Brook being a highly sought-after community of residents, newcomers continue to accept the challenges associated with building on the most difficult sites. A few such large vacant sites have been sold and developed in 2020, with less than desirable results from a stormwater management perspective.

In particular, there is an active construction site on a steep slope on Overlook Road, for which the challenges with stormwater compliance in 2020 have resulted in repeated failures for runoff containment, numerous complaints to the city, repeated inspections by city staff and Cahaba River Keepers, monetary fines, and even a road closure wherein the police department had to respond in order to direct traffic around a mud slide. In the case of this particular development, it was necessarily that the developer didn't attempt to comply with the city's stormwater ordinance; the problem was more that the city's ordinance wasn't strong enough to require preventative measures that could have been more effective.

Of additional concern, there is another vacant lot on Overlook Road that has recently sold and is intended for development in the near future. The problems with sites mentioned in the previous paragraph, as well as the fear of similar run-off problems for the intended new construction site on Overlook Road, have raised numerous concerns among local citizens and stormwater mitigation professionals (such as the Cahaba River Keepers, and its Cahaba Riverkeepers). To this end, the city has developed a 2-prong approach to improving the stormwater mitigation challenges that the city faces. The first prong is to strengthen the city's stormwater ordinance; and the second prong is to increase staff assessment of active land disturbance sites, to increase routine inspections of such sites, and to reallocate existing staffing resources to respond to stormwater failures during significant rain events.

Ad Hoc Committee Process
Over the summer of 2020 the city has reorganized its approach to stormwater management, and formed an ad hoc committee to study the stormwater ordinance and make recommendations to the city council. The committee included representatives from the Cahaba River Society and Cahaba Riverkeepers, two council members, and city staff. Prior to beginning deliberations at the ad hoc committee level, the city first solicited comments and recommendations from city engineer Walter School, and from stormwater inspectors from other local municipalities. Recommendations from all sources were forwarded to the ad hoc committee for consideration.

Mr. School reviewed the city's stormwater ordinance with the intention of providing specific written recommendations on modifications to the ordinance that would strengthen it and make it more meaningful and effective. The purpose of his review was to make recommendations to the ordinance that would eliminate adverse stormwater impacts due to development and re-development of properties within the City of Mountain Brook, and to incentives and promote the use of Low Impact Development (LID) and Green Infrastructure (GI) practices for managing stormwater runoff. Mr. School's recommendations are attached and have been incorporated into the stormwater ordinance. At the end of Mr. School's 2 recommendations there is one additional goal and recommendation from city staff/Cahaba River Society regarding a phased approach to land disturbance.
ARTICLE III - STORMWATER DETENTION
Sec. 113-224 - Scope of the article and definitions
(a) The terms, conditions, and requirements established by this article shall apply to all projects or developments that meet one of the following criteria: (1) The project or development results in on or over land, or other development or modification of land that has a measurable or demonstrable increase in the amount and/or rate of discharge of stormwater runoff when compared to such data prior to development; and (2) The project or development is one that requires review and approval of the public works or inspections department of the city under other provisions of this Code.
(b) This article shall apply to any development of the types described above, and all persons, firms, or corporations engaged in activities for which authorization is required under the terms of this article.
Definitions:
1. Maximum Runoff Area - The portion of the lot or parcel that can be covered by the base, including storage areas, access areas, and other structures as defined for the special development permits.
2. Maximum Impervious Area - The maximum building area permitted for the use in question by the zoning ordinance based upon the proposed floor area of the permit on which the building is to be constructed. The term "impervious area" means the building area of the lot, including basements and accessory structures, as well as surfaces that do not allow the free passage of water through the material into the ground or a subsurface condition that allows or requires water to enter into the ground or a subsurface condition.

(CODE 1997, § 7-1-41; Ord. No. 1498, § 1, 1-11-2001)
Sec. 113-226 - Nonpermitted development activities prohibited.

(CODE 1997, § 7-1-42; Ord. No. 1498, § 2, 1-11-2001)
Sec. 113-226 - Central stormwater detention design and objectives.

(CODE 1997, § 7-1-43; Ord. No. 1496, § 1, 11-13-2001)
Sec. 113-227 - Detention facilities.
(a) General criteria
(1) Detention facilities shall be located within the parcel limits of the project under consideration. (2) Subsurface detention may be permitted with adequate verification of storage adequacy. (3) No detention or ponding will be permitted within public road rights-of-way. (4) Location of detention facilities immediately upstream or downstream of the project will be considered by special request if proper documentation is submitted with reference to water quality, accessibility, and potential for unrestricted use of the area proposed. (5) Any area susceptible to or designed as overflow by design (regular or high-frequency flood) shall be secured or paved. (6) Methods of detention such as swales, French drains, etc., are discouraged. If such methods are proposed, confirmation of soils data, percolation, hydrology features, and other relevant data shall be submitted with the application.
(b) Control features:

(CODE 1997, § 7-1-44; Ord. No. 1496, § 1, 11-13-2001)
MINUTE BOOK 91

VERIFICATION THAT THE SITE SURFACE WILL NOT CONSTITUTE A DRAINAGE AND/or SEDIMENT CONCERN: The applicant shall, in conjunction with the development engineer, develop a preliminary plan for the use of the landscaped area, including the location of any streetlights, and submit it to the City. This plan shall be based on the City's standards for the use of landscaped areas, including the maintenance of a minimum 50-foot setback from any streetlight. Any area designated as a landscaped area shall be landscaped within 30 days of the filing of the final plan. The City shall have the right to approve or disapprove the plan and may require additional information if necessary.


Sec. 113-228. - Requirements applicable to particular types of development and detention methods.

(A) Common garden projects. Detention facilities should be located in common areas. Projects that include common property should establish in the record a plan that shows the location and size of the detention facility and the access points to such facility. The plan shall be filed with the City. (Code 1996, § 7-144, Ord. No. 1496, § 4, 11-13-2001; Ord. No. 1677, § 1, 6-26-2004)

Sec. 113-229. - Requirements applicable to particular types of development and detention methods.

(1) Single-family residential. Detention areas in residential streets, detention areas in residential streets, and detention areas for other purposes shall be constructed in accordance with the City’s standards for the use of landscaped areas, including the maintenance of a minimum 50-foot setback from any streetlight. Any area designated as a landscaped area shall be landscaped within 30 days of the filing of the final plan. The City shall have the right to approve or disapprove the plan and may require additional information if necessary.


APPENDIX 4

VERIFICATION THAT THE SITE SURFACE WILL NOT CONSTITUTE A DRAINAGE AND/or SEDIMENT CONCERN: The applicant shall, in conjunction with the development engineer, develop a preliminary plan for the use of the landscaped area, including the location of any streetlights, and submit it to the City. This plan shall be based on the City’s standards for the use of landscaped areas, including the maintenance of a minimum 50-foot setback from any streetlight. Any area designated as a landscaped area shall be landscaped within 30 days of the filing of the final plan. The City shall have the right to approve or disapprove the plan and may require additional information if necessary.


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APPENDIX 4

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MINUTE BOOK 91

For Reference (no changes proposed)

Sec. 115-53 - Permit exemptions.

(a) Land disturbing activities shall include any land change that may result in soil erosion from water or wind and the movement of sediment, including, but not limited to, the clearing, dredging, grading, excavating, transporting and filling of land, except that the term shall not include the following:

(1) Agriculture;

(2) Streets;

(3) Such minor land disturbing activities as farming gardens, landscaping and individual residential lots or parcels, excluding landscaping performed by, or on behalf of, a developer or builder, who constructs or develops a larger project such as a subdivision or new residential development; the construction, maintenance or repair of necessary structures, and other related activities that result in minor soil erosion;

(4) Minor land disturbing activities such as individual connections for utility services and sewer services for single- or two-family residences, minor grading for driveways, yards and sidewalks, excluding any grading done by, or on behalf of, a developer or builder in connection with the construction of a house;

(5) Minor maintenance, minor repair, and the minor extension of any existing underground public utility line, except sewer lines, provided that the utility company that owns such lines has received approval of a general BAP plan from the authority for such maintenance, repair and extension; and provided further, that any utility company making a minor extension in connection with which the land disturbed consists of more than 1,000 linear feet must give the official written notice of such extension prior to the commencement of such minor extension;

(6) The construction, repair or relining of railroads;

(7) Minor subterranean exploratory excavations under the direction of soils engineers or engineering geologists;

(8) The opening of individual burial sites in property that has been approved for such use by all necessary governmental authorities; and

(9) Digging of water wells or environmental monitoring wells.

(b) The activities referred to in subsections (a)(1) through (a)(9) of this section may be undertaken without a permit; however, the persons undertaking these excluded activities shall remain responsible for otherwise conducting such activities in accordance with the provisions of this article and any other applicable law, including the proper control of sedimentation and runoff.

(Codified 1996, § 4-42; Ord. No. 1377, § 3.02, 7-12-1999)

For Reference (no changes proposed)

Sec. 306-44 - Issuance of permit; revocation, suspension or revocation.

(a) The purpose of permitting plans and specifications is to ensure compliance with this article. The official's review and permitting of plans and specifications is not intended as approval of the overall layout, structural design, site control, or construction procedures. These responsibilities shall remain with, and be those of, the owner and/or his consultants.

(b) The application, plans and specifications, reports, affidavits and other required documents shall be filed with the official as required by this article. Such plans may be reviewed by other departments of the city and other governmental agencies in line with the city's policy. If the official is satisfied that the work described in an application for a permit and the plans and specifications filed therewith conform to the requirements of this article and other pertinent laws and ordinances, and that all applicable fees have been paid and necessary surveys obtained, he shall issue an application to the owner.

(c) One set of permitted plans, specifications and other required documents shall be retained by the official for a period of not less than one year from the date of completion of the work covered therein. It shall be the responsibility of the owner to maintain one set of permitted plans, specifications and other required documents on the site at all times during which the work authorized thereby is in progress.

(d) The issuance of a permit shall not prevent the official from thereafter requiring that:

(1) Errors or inaccuracies in the approved application, including the related plans and specifications, be corrected;

(2) Changes due to unforeseen problems in the approved application, including the related plans and specifications, be made;

(3) Other modifications be made to the permitted plans and specifications and in the conduct of operations at the site if significant problems occurred which were not considered at the time the permit was issued;

(e) The official may require that all work being performed at the site be suspended until corrections, changes or modifications have been made to the satisfaction of the official. If the owner continues, changes or modifications are not made in the satisfaction of the official within the time specified by the official, the official may:

(1) Revise the related permit;

(2) Cause all work being performed at the site to be stopped; and

(3) Cause such additional work to be performed at the expense of the applicant, as the official determines will eliminate any hazards or nuisances existing at the site.

(f) All permits issued by the official under the provisions of this article shall expire by limitation and become null and void 24 months from the date of issuance of the permit. In addition, all permits issued by the official under the provisions of this article shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 30 days from the date of issuance of the permit, provided that one or more renewals of such permit are required to be obtained by the owner, or owner and/or his permitted agent within six months from the date of issuance of the permit, or within six months from the date of issuance of the permit, or within six months from the date of issuance of the permit. If any such request is made, the applicant must show the payment of a reasonable fee to cover costs of the city in the performance of the work. The official may authorize by such permit shall not be suspended or abandoned at any time after the work is commenced and shall be continued to completion or the permit shall be terminated by the official and become void. Work authorized by such permit shall be continued, suspended or abandoned if no such authorized work is conducted at the site for a period of 14 consecutive days as determined by the official. If an applicant shows, to the satisfaction of the

official, good cause for not conducting work during such period, the official may, in the official's discretion, choose not to terminate such permit.

(g) The official may suspend or revoke a permit issued under provisions of this article by giving notice in writing to the owner whenever the permit is issued in error, or on the basis of incorrect information supplied or in violation of any of the provisions of this article or any of the provisions of any regulation or any other ordinance.

(h) The work or use authorized under the permit issued in accordance with the provisions of this article shall only be as expressly set forth in such permit and, to the extent expressly incorporated by the permit, the application submitted in connection with such permit, including, if applicable, the plans and other written documentation. Should the owner desire to significantly modify the scope and nature of the work to be conducted pursuant to a permit issued by the city, or if the cost of construction exceeds that which was submitted to or determined by the building official as the basis for the cost of the permit fees assessed in section 105-2, the owner must submit a revised application for such work in accordance with the provisions of this article. The official, in the capacity of the official, may amend the permit previously issued or issue a new permit providing the application meets the requirements of this article, but any additional fees are paid, and that all of the requirements of this article are met. The official or other person submitting the original application shall be responsible for any additional fees due after calculating the permit fees upon the updated estimate or construction cost. A failure to revise or update permits when costs exceed that originally made the basis of the permit within 30 days of the date upon which said basis is exceeded shall result in an administrative penalty equal to the cost of the revised permit in addition to all other penalties which may be imposed for a violation of said ordinance.

CITY OF MOUNTAIN BROOK
STORMWATER DETENTION ORDINANCE

September 9, 2010

This document provides recommendations on modifications to the City's Stormwater Detention Ordinance. The purpose of the proposed revisions is to eliminate adverse stormwater impacts to development and re-development of properties within the City of Mountain Brook. Additionally, the revisions incorporate and promote the use of Low Impact Development (LID) and Green Infrastructure (GI) practices for managing stormwater runoff. For each section noted in the section below, the goal and objective of the revision is stated and the rationale for the revision is also noted. Also included below are relevant definitions to terms used in the existing and proposed ordinance language.

Definitions

Maximum Building Area: The largest portion of the lot or parcel that can be occupied by the main building, including porches, terraces, accessory buildings, and other structures permitted for the use in question by the zoning ordinance.

Maximum Impervious Area: The maximum building area permitted for the use in question by the zoning ordinance, plus an additional five percent of the parcel on which the project is to be constructed. The term "impervious area" means the developed area of the lot, including house and accessory structures, as well as surfaces that do not allow the free passage of water through the material into the ground. The term "impervious area" includes sidewalks, driveways, parking areas, decks, and patios, unless such surfaces are constructed of materials that allow passage of water into the ground at a rate equal to the predeveloped condition.

Pre-development: The existing conditions of the site prior to the development or re-development project.

PROPOSED REVISIONS

GOM: Prevent site development from increasing stormwater runoff or post-development flows at a pre-development level.

1. The current detention ordinance does not make clear the extent that stormwater should be mitigated if the detention ordinance requirements are triggered. We recommend explicitly stating in the ordinance that the post-development flows must be less than or equal to the pre-development flows. This will mitigate adverse impacts to neighboring properties by increasing the impervious area Building area plus an additional five percent of the parcel area is in accordance with the zoning ordinance will be the basis for quantifying the stormwater runoff in mitigating the design. The design shall be supported by a written engineering analysis verifying the adequacy of the stormwater management design for the property. The design shall comply with the minimum requirements set forth in this ordinance.

(b) The goal of stormwater management design shall be to mimic the pre-development hydrology of the site. Post-development stormwater peak flows for two-year through sixty-year, twenty-four hour storms shall be less than or equal to pre-development storms. The engineering analysis shall assume that land is fully developed in accordance with the city's comprehensive land use plans. Engineering data supporting differential runoff and detention volume calculations, as well as the adequacy of detention, drainage, and control structures, shall be submitted to the city for review. A description of the method to be used in maintaining components of the stormwater management system shall also be submitted.

GOM: Protect riparian streams from erosion and loss.

3. No language is currently present in the detention ordinance to address increases in stormwater velocities due to site development. We recommend adding a requirement to the engineering analysis submitted as part of the stormwater peak velocity. Add bold in Section 113-236(b)(3)(c)(3) to state the following:

1. Verification that the site runoff will not contribute to erosion and loss of downstream receiving channel for the 2-year, 24-hour storm event. This includes a detailed description of erosion protection measures, such as energy dissipation and velocity control devices to be implemented and velocity calculations at each outlet site for the 2-year, 24-hour storm event.

GOM: Ensure proper stormwater management (flow and velocity) for steep lots to protect neighboring properties and riparian streams.

3. Development of steep lots, even if under the maximum building area, can create adverse impacts to downstream properties and receiving waters due to increased runoff and velocities. We propose that the development or re-development of lots with a slope of twelve (12) percent or greater in the developed or re-developed area be required to provide a stormwater management design with an engineering analysis submitted to the city. Add the following to Section 113-236(b)(4)(d):

Development on steep lots (12% or greater in the development or re-development area) are required to provide a stormwater management design to mitigate the increased stormwater runoff. The design shall be supported by a written engineering analysis verifying the adequacy of the stormwater management design for the property. The design shall comply with the minimum requirements set forth in this ordinance. In addition, the stormwater management design shall ensure that the site runoff will not contribute to erosion and alter the downstream receiving water for the 2-year, 24-hour storm event.

GOM: Cause a criterion that would trigger existing properties over the buildings area maximum to mitigate stormwater flows and provide an engineering analysis. This criterion would actually make flows from the site less than current conditions.

1. The current detention ordinance is not clear on re-development of existing structures that are over the maximum building area and maximum impervious area. We propose to make re-development of these non-compliant structures provide a stormwater management design that not only addresses the proposed increases in impervious area, but also address the current exceedance over the maximum impervious area. The proposed revisions to the ordinance would result in reduced stormwater peak flows from these "grandfathered" properties if they are re-developed. Add the following to Section 113-236(b)(5)(a):

for existing properties; not exceed the maximum impervious area (maximum building area plus an additional five (5) percent of the parcel area, making improvements to the property that would further increase the impervious area, excluding minor alterations, will require a stormwater management design to mitigate the increased stormwater runoff. The maximum building area plus an additional five percent of the parcel area is in accordance with the zoning ordinance will be the basis for quantifying the stormwater runoff in mitigating the design. The design shall be supported by a written engineering analysis verifying the adequacy of the stormwater management design for the property. The design shall comply with the minimum requirements set forth in this ordinance.

GOM: Incentivize the use of LID/GI to manage site stormwater.

2. Low Impact Development (LID) and Green Infrastructure (GI or GI) practices provide a means to not only attenuate stormwater flows but reduce the volume of stormwater through infiltration, evaporation, and vegetation uptake. In addition, landscaping is a major component in GI/GI practices which lends to a more aesthetic quality than traditional stormwater management controls. Because of the community outreach and the City's desire to incentivize the use of LID/GI practices, we propose the following to be added to Section 113-236(b)(5)(b):

Any site with a stormwater management design that utilizes LID/GI to capture and manage the runoff from ninety (90) percent or greater of the proposed impervious area would receive a ten (10) percent allowance as approved by the City Council. The stormwater management design must still comply with the minimum requirements set forth in this ordinance.

3. The current detention ordinance does not reference low impact development (LID)/green infrastructure (GI) practices. We recommend changing references to landscaping in detention ordinance to low impact development (LID)/green infrastructure (GI) practices. Modify Section 113-236(b)(5)(c) of the Detention Ordinance as follows (changes shown in bold):

(a) Single lot development. Development of single lots shall be in accord with applicable provisions of the zoning ordinance, provided that the maximum impervious area shall be limited to the maximum building area permitted for the use in question by the zoning ordinance, plus an additional five percent of the parcel on which the project is to be constructed. For purposes of this article, the term "impervious area" means the developed area of the lot, including house and accessory structures, as well as surfaces that do not allow the free passage of water through the material into the ground. The term "impervious area" shall include, without limitation, sidewalks, driveways, parking areas, decks, and patios, unless such surfaces are constructed of materials that allow passage of water into the ground at a rate equal to the predeveloped condition. The percentage of building and impervious area shall not exceed that allowed by this article unless an approved method of stormwater detention or low impact development (LID)/green infrastructure (GI) practices is used to mitigate increases in stormwater detention impacts. The design shall comply with the minimum requirements set forth in this article. The LID or GI measure design shall comply with the design standards in the "Low Impact Development Handbook for the State of Alabama," Alabama Department of Environmental Management, or as contained within the minimum requirements set forth in this ordinance. Design of LID or GI measures shall be performed by a registered architect, landscape architect, or engineer, and shall include plans, details, and calculations demonstrating compliance with the requirements of this article.

Further Recommendations from Cahaba River Keepers and City Staff:

GOM: to revise a phase-based approach of site development area.

Modify, Section 113-238(b)(5)(c) of the Detention Ordinance as follows (changes shown in bold):

Any new development or re-development shall submit to the city a phased site development plan with a vegetative buffer on the southwest corner of the building area maximum to mitigate stormwater flows and provide a stormwater management design that not only addresses the proposed increases in impervious area, but also address the current exceedance over the maximum impervious area. The proposed revisions to the ordinance would result in reduced stormwater peak flows from these "grandfathered" properties if they are re-developed. Add the following to Section 113-238(b)(5)(d):

for existing properties; not exceed the maximum impervious area (maximum building area plus an additional five (5) percent of the parcel area, making improvements to the property that...